

**FILED**UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICOJUN 13 2017 *JH***United States District Court**DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

v.

MATTHEW J. DYKMAN  
CLERK  
**CRIMINAL COMPLAINT**EMERY CALABAZA  
YOB: 1958CASE NUMBER: *17mj1493*

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about *May 30* ~~June 6~~, 2017, in Sandoval County, in the State and District of New Mexico defendant, an Indian, did, (Track Statutory Language of Offense) *JS KBM*

The defendant Emery Calabaza, an Indian, did knowingly engage in a sexual act (aggravated sexual abuse with a child) with another person who has not attained the age of 12 years. The defendant has been previously been convicted of another Federal offense.

in violation of Title 18 United States Code, Section(s) Section 1153, 2241 (c) and 2246 (2) (D)

I further state that I am a Special Agent of the Bureau of Indian Affairs and that this complaint is based on the following facts:

See Attached Affidavit hereby incorporated by reference as if fully restated herein.

Continued on the attached sheet and made a part hereof:

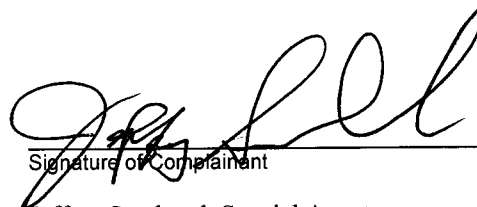


Yes



No

SAUSA – Kyle Nayback



Jeffrey Sandoval, Special Agent  
Bureau of Indian Affairs – Office of Justice Services

Sworn to before me and subscribed in my presence,

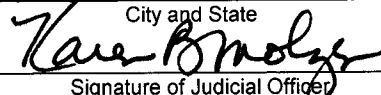
*June 13, 2017*

Date

at Albuquerque, New Mexico  
City and State

**KAREN B. MOLZEN**  
**U.S. MAGISTRATE JUDGE**

Name &amp; Title of Judicial Officer



Signature of Judicial Officer

IN THE UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA )

VS. )

Case No: \_\_\_\_\_

EMERY CALABAZA (YOB: 1958)

AFFIDAVIT

1. I, Jeffrey Sandoval have been a Law Enforcement Officer for 24 years and performed law enforcement duties as Police Officer, and Special Agent, while employed for the past 24 years with the Bureau of Indian Affairs (BIA), Law Enforcement, Office of Justice Services and am currently a Special Agent. I have completed the Basic Police Officer Training at the Federal Law Enforcement Training Center (FLETC) in Artesia, New Mexico 1994. I also completed the Criminal Investigator Training Program (CITP) at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia 2003. My primary duties as a Special Agent are to investigate major criminal offenses, which occur within the exterior boundaries of the Indian reservations to which I am assigned. Sexual Abuse is one of my responsibilities. The information set forth in this affidavit is known to me as a result of my own investigation or has been communicated to me by other law enforcement officers, agencies or agents.

2 Because this affidavit is being submitted for the purpose of securing a Warrant for Arrest, I have not included each and every fact known to me concerning this investigation. I have set forth facts I believe are Necessary to establish Probable Cause to arrest EMERY CALABAZA (YOB: 1958) for Aggravated Child Sexual Abuse of (JC)

(YOB: 2007) herein after will be referred to as JANE DOE for the remainder of the affidavit, a minor child, in violation of Title 18, United States Code, Section 1153, 2241(c) and 2246(2) (D). Emery Calabaza will be referred to as CALABAZA throughout this affidavit.

3. On June 6, 2017, at about 9:17 a.m., I (Jeffrey Sandoval) received a call from the Bureau of Indian Affairs (BIA) communications dispatcher and I was notified of a child sexual abuse incident that occurred on Santo Domingo Indian Reservation. Santo Domingo Probation Officer Christopher Lovato reported the incident to BIA communications. Christopher Lovato faxed in a scan referral to BIA communications office regarding the child sexual abuse incident.

4. On June 6, 2017 (Same day) Bureau of Indian Affairs, Office of Justice Services, Southern Pueblos Agency Special Agent (SA) JEFFREY SANDOVAL received information about the child sexual abuse incident and initiated an investigation.

5. SA SANDOVAL interviewed Christopher Lovato on June 6, 2017. Lovato stated he was contacted by Cyrus Calabaza and Cyrus wanted to report his brother EMERY CALABAZA for kissing JANE DOE on her lips, like a man kissing his wife. Cyrus was at home on or about May 15, 2017 in Santo Domingo Pueblo, New Mexico, Lovato stated Cyrus Calabaza came to the tribal office in Santo Domingo and stated that he had information about a sex offender that re-offended. Cyrus reported that he saw his brother EMERY CALABAZA kissing his niece JANE DOE on the lips, like a man kissing his wife. Christopher also stated Cyrus told him JANE DOE's mother (KC) was informed of the kissing incident and she was also on her way to the tribal office to report the incident. Cyrus did not want his brother EMERY CALABAZA to continue his

behavior and was concerned for the safety of the other children in the home. Cristopher Lovato went on to say JANE DOE's mother came into the tribal office with JANE DOE. KC repeated the same information her Uncle Cyrus Calabaza had previously reported and further stated JANE DOE told her this has been ongoing for the past few weeks. JANE DOE reported her Grandfather EMERY CALABAZA has been kissing her on her mouth and has been touching her private part (Vagina) and this has happened on more than one occasion. JANE DOE demonstrated how EMERY CALABAZA was touching her to her mother KC and Christopher Lovato. EMERY CALABAZA would come up from behind and hold JANE DOE and EMERY would put his hand inside her pants and panty and touch her private part (Vagina) skin to skin. On other times EMERY would touch JANE DOE on the private part (Vagina) over the clothing. JANE DOE also said EMERY kisses her on the lips (mouth). Christopher said there are six other children that live in the home. Christopher informed KC that he was going to report this incident to BIA Police for follow up investigation. Christopher explained that Cyrus came home to eat lunch on May 15, 2017. After Cyrus ate lunch, he cleaned up after himself and took the dirty dishes into the kitchen. Cyrus saw his brother EMERY CALABAZA kissing his (Cyrus) 10 year old niece JANE DOE on the lips like a man kissing his wife. EMERY CALABAZA was holding JANE DOE's face while kissing her. Cyrus did not report this immediately because he was fasting and participating in traditional cultural activity with his society group.

6. SA SANDOVAL interviewed Cyrus Calabaza. On May 15, 2017, Cyrus came home to eat lunch. We (Cyrus and EMERY CALABAZA) were eating lunch together. After lunch, he cleaned up after himself and took the dirty dishes into the

kitchen. Cyrus saw his brother EMERY CALABAZA kissing his (Cyrus) 10 year old niece JANE DOE on the lips like a man kissing his wife. EMERY CALABAZA was holding JANE DOE's face while kissing her. Cyrus did not report this immediately because he was fasting and participating in traditional cultural activity with his society group. Cyrus told his niece KC about what he witnessed which his brother EMERY CALABAZA was kissing Jane Doe on the lips. Cyrus also told KC that he was going to report this incident to the authorities. JANE DOE told them (CYRUS and KC) this has been on-going for several weeks. Cyrus stated his brother was in prison for five years for touching a teenager in the past.

7. SA SANDOVAL interviewed Katerie Calabaza on June 6, 2017 at Santo Domingo Tribal Office. Katerie stated her Uncle Cyrus Calabaza approached and told her that he wanted to talk with her. Cyrus told her, he saw his brother EMERY CALABAZA kissing JANE DOE on the lips. Katerie said while she was in the bathroom with her daughter JANE DOE, JANE DOE told her the kissing and touching has been on-going. JANE DOE stated to her mother, EMERY has been touching her on her private area (Vagina). JANE DOE said the touching occurred when Katerie is at work and when JANE DOE takes her clothes to place in the laundry hamper which is located in EMERY's bedroom. Katerie stated JANE DOE told her EMERY covered her mouth with his hand when she tried to scream and was scared to tell because JANE DOE thought EMERY was going to get mad. JANE DOE told her mother that EMERY touched her on her private part (Vagina) at least five different times making skin to skin contact. Katerie learned of the child sexual abuse June 6, 2017.

8. JANE DOE was interviewed at Solace in Santa Fe, New Mexico by a forensic interviewer. JANE DOE disclosed her grandpa EMERY CALABAZA has been kissing and touching her. JANE DOE told him to stop. EMERY grabbed JANE DOE by the arm and pulled her onto his bed while she was putting her dirty clothes in the laundry hamper which is located in EMERY's bed room. EMERY threw her on the bed like he was mad and touched her on her private part (Vagina) on the inside of her underwear, making skin to skin contact JANE DOE told him to stop. EMERY didn't stop. JANE DOE said EMERY kissed her on the lips and told her loved her. JANE DOE told EMERY she didn't love him and he was old. JANE DOE screamed and EMERY put his hand over her mouth and nose to keep her quiet. JANE DOE almost fainted. JANE DOE's cousin walked in and EMERY let go of her. JANE DOE rolled off the bed and ran into the other room. JANE DOE was scared. JANE DOE disclosed EMERY has touched her more than 10 times. JANE DOE told her grandpa Cyrus Calabaza. When JANE DOE washes dishes, her grandfather EMERY would come into the kitchen and put his hand inside her pants and panty and touch her on her private part (Vagina) making skin to skin contact. This has been happening at her great grandmothers' residence Marcelina Calabaza.

9. SA SANDOVAL and SA FRANKLIN CHAVEZ interviewed EMERY CALABAZA at the Safety Complex in Santo Domingo Pueblo, New Mexico. We identified ourselves verbally and with credentials. I explained the nature of the interview and EMERY CALABAZA was informed of his Miranda Rights and signed an Advice of Rights form acknowledging that he understood his rights and provided the following information. EMERY was informed that he was witnessed kissing a minor child on the

lips, like a man would kiss a woman or his wife. EMERY acknowledged he kissed JANE DOE. He was asked how old JANE DOE is and he stated 10 years old. EMERY described JANE DOE as pretty young girl and aspires to be a model when she gets older. He also said JANE DOE is honest and does not lie. JANE DOE is respectful and helps around the house. EMERY did admit to touching JANE DOE's vagina and his explanation for touching JANE DOE's vagina is because he misses his wife (No name given) and he hates himself for what he did to JANE DOE by touching her vagina. EMERY said he had an urge and said he is sorry for taking it out on his granddaughter JANE DOE. EMERY covered JANE DOE's mouth and nose to prevent her from screaming for help. EMERY thought JANE DOE was faking about not being able to breathe. EMERY let go of JANE DOE when her sister JANE DOE #2 (KC) came into the bedroom. EMERY described another incident in the kitchen where he came up behind JANE DOE while she was washing dishes and grabbed her and touched her vagina on the outside of her clothing. EMERY traced his right hand to show which hand he used to touch JANE DOE's vagina. EMERY admitted to touching JANE DOE at least four different occasions. The most recent time he touched JANE DOE was in last seven days. EMERY said he got aroused when he touched JANE DOE and he also said he had sex with a Navajo woman (GB) in Albuquerque approximately three weeks ago. EMERY said he is sorry for what he did by touching JANE DOE and voluntarily wrote an apology letter to JANE DOE.

10. The victim is **JANE DOE** (YOB: 2007), a Native American female an enrolled tribal member of the Santo Domingo Indian Tribe, State and District of New Mexico.

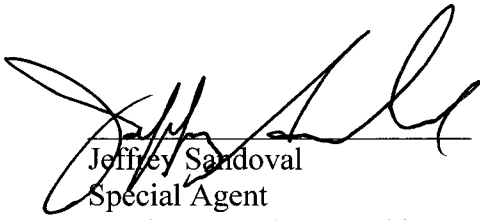
11. The suspect is **EMERY CALABAZA** (YOB: 1958), a Native American male and an enrolled tribal member of the Santo Domingo Indian Tribe, State and District of New Mexico.

12. The sexual abuse occurred on or about May 30, 2017, at San Felipe Street #2, Santo Domingo Pueblo, New Mexico. This residence is located in Sandoval County, State of New Mexico and is within the exterior boundaries of the Santo Domingo Indian Reservation.


13. Based on the above mentioned facts, known to me concerning this investigation, the Affiant believes probable cause exists to arrest **EMERY CALABAZA** for the crime of Aggravated Child Sexual Abuse, in violation of Title 18, United States Code, Sections 1153, 2241 (c) and 2246 (2) (D).

A review of the criminal complaint was made by Supervisory Assistant United States Attorney Kyle Nayback, State and District of New Mexico

I swear this information is the truth to the best of my knowledge and belief.

  
Jeffrey Sandoval  
Special Agent  
BIA/OJS Southern Pueblos Agency

Subscribed and Sworn to before me  
This 13<sup>th</sup> Day of June 2017

  
United States Magistrate Judge